

Bolivia¹

PEACE, FRIENDSHIP, COMMERCE, AND NAVIGATION

Treaty signed at La Paz May 13, 1858

Senate advice and consent to ratification, with an amendment, June 26, 1860²

Ratified by the President of the United States, with an amendment, October 5, 1860²

Ratified by Bolivia, with explanation of article 2, August 27, 1861

Senate advice and consent to ratification, with Bolivian amendments, February 3, 1862³

Ratified by the President of the United States, with amendments, February 17, 1862³

Ratified by Bolivia, with amendments, November 7, 1862

Ratifications exchanged at La Paz November 9, 1862

Entered into force November 9, 1862

Proclaimed by the President of the United States January 8, 1863

Article 34 abrogated by the United States July 1, 1916, in accordance with Seamen's Act of March 4, 1915⁴

Modified by understanding of May 4 and June 10, 1946⁵

12 Stat. 1003; Treaty Series 32⁶

TREATY OF PEACE, FRIENDSHIP, COMMERCE, AND NAVIGATION, BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF BOLIVIA

The United States of America and the Republic of Bolivia, desiring to make lasting and firm the friendship and good understanding which happily

¹ See also *post*, PERU-BOLIVIAN CONFEDERATION.

² The U.S. amendment reads as follows: "Article XIV [14]. Strike out the last clause of this Article in the following words: 'However, the interment in Bolivia of a Citizen of the United States, who is not of the Roman Catholic faith, shall be conducted without any of the external ceremonies peculiar to the faith of the deceased.'"

The text printed here is the amended text, with the explanation of art. 2, as proclaimed by the President.

³ In its second resolution of advice and consent the Senate accepted a Bolivian proposal for insertion of an explanation of art. 2 (for text of explanation, see p. 722) and provided that "the ratifications of the said Treaty and of these amendments, shall be exchanged by the duly authorized authorities of the respective governments, either at the City of Washington or at the Capital of the Republic of Bolivia, within such period as may be mutually convenient to both governments, any provision contained in the said Treaty to the contrary notwithstanding."

⁴ 38 Stat. 1164. The abrogation of art. 34 was confirmed by the United States and Bolivia in an exchange of notes at La Paz Oct. 4 and 5, 1915 (TS 32-A).

⁵ 61 Stat. 2437; TIAS 1572.

⁶ For a detailed study of this treaty, see Miller 733.

prevail between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall, in future, be religiously observed between the one and the other, by means of a treaty of friendship, commerce, and navigation. For this most desirable object, the President of the United States of America has conferred full powers on John W. Dana, a citizen of the said States, and their Minister Resident to the said Republic, and the President of the Republic of Bolivia on the citizen Lucas Mendosa de la Tapia, Secretary of State in the Department of Exterior Relations and public Instruction, who, after having exchanged their said full powers, in due and proper form, have agreed to the following articles:

ARTICLE 1

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic of Bolivia, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places.

ARTICLE 2

If either party shall, hereafter, grant to any other nation, its citizens or subjects, any particular favor in navigation or commerce, it shall, immediately, become common to the other party, freely, when freely granted to such other nation, or on yielding the same compensation, when the grant is conditional.

Explanation ⁷

As in said article it is stipulated that any special favor in navigation and trade granted by one of the contracting parties to any other nation, extends and is common to the other party forthwith, it is declared that, in what pertains to the navigation of rivers, this treaty shall only apply to concessions which the government may authorize for navigating fluvial streams which do not present obstructions; that is to say, those whose navigation may be naturally plain and current without there having been need to obtain it by the employment of labor and capital; that by consequence there remains reserved the right of the Bolivian government to grant privileges to any association or company, as well foreign as national, which should undertake the navigation of those rivers from which, in order to succeed, there are difficulties to be overcome, such as the clearing out of rapids, &c., &c.

ARTICLE 3

The United States of America and the Republic of Bolivia mutually agree that there shall be reciprocal liberty of commerce and navigation between their respective territories and citizens. The citizens of either Republic may frequent, with their vessels, all the coasts, ports, and places of the other,

⁷ See footnote 3, p. 721.

where foreign commerce is permitted, and reside in all parts of the territory of either, and occupy dwellings and warehouses; and every thing belonging thereto shall be respected, and shall not be subjected to any arbitrary visits or search. The said citizens shall have full liberty to trade in all parts of the territory of either, according to the rules established by the respective regulations of commerce, in all kinds of goods, merchandise, manufactures, and produce not prohibited to all, and to open retail stores and shops, under the same municipal and police regulations as native citizens; and they shall not in this respect be liable to any other or higher taxes on imposts than those which are or may be paid by native citizens. No examination or inspection of their books, papers, or accounts, shall be made without the legal order of a competent tribunal or judge.

The provisions of this treaty are not to be understood as applying to the navigation and coasting trade between one port and another situated in the territory of either of the contracting parties—the regulation of such navigation and trade being reserved, respectively, by the parties according to their own separate laws. Vessels of either country shall, however, be permitted to discharge part of their cargoes at one port open to foreign commerce in the territories of either of the high contracting parties, paying only the custom house duties upon that portion of the cargo which may be discharged, and to proceed with the remainder of their cargo to any other port or ports of the same territory open to foreign commerce, without paying other or higher tonnage duties or port charges in such cases than would be paid by national vessels in like circumstances; and they shall be permitted to load in like manner at different ports in the same voyage outwards.

The citizens of either country shall also have the unrestrained right to travel in any part of the possessions of the other, and shall in all cases enjoy the same security and protection as the natives of the country in which they reside, on condition of their submitting to the laws, decrees, and ordinances there prevailing. They shall not be called upon for any forced loan or occasional contribution, nor shall they be liable to any embargo, or to be detained with their vessels, cargoes, merchandise, goods, or effects, for any military expedition, or for any public purpose whatsoever, without being allowed therefor a full and sufficient indemnification, which shall in all cases be agreed upon and paid in advance.

ARTICLE 4

All kinds of produce, manufactures, or merchandise of any foreign country which can, from time to time, be lawfully imported into the United States in their own vessels, may be also imported in vessels of the Republic of Bolivia; and no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected, whether the importation be made in the vessels of the one country or of the other; and in like manner, all kinds of produce, manufactures, and merchandise of any foreign country that can be, from time to time, lawfully imported into the Republic of Bolivia in its own vessels,

whether in her ports upon the Pacific, or her ports upon the tributaries of the Amazon or La Plata, may be also imported in vessels of the United States; and no higher or other duties upon the tonnage of the vessel and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or of the other. And they agree that what may be lawfully exported or re-exported from the one country in its own vessels, to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other country: and the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of the Republic of Bolivia. In all these respects the vessels and their cargoes of the one country, in the ports of the other, shall, also, be on an equal footing with those of the most favored nation. It being further understood, that these principles shall apply, whether the vessels shall have cleared directly from the ports of the nation to which they appertain, or from the ports of any other nation.

ARTICLE 5

For the better understanding of the preceding article, and taking into consideration the actual state of the commercial marine of the Republic of Bolivia, it is stipulated and agreed, that all vessels belonging exclusively to a citizen or citizens of said Republic, and whose captain is also a citizen of the same, though the construction or the crew are or may be foreign, shall be considered, for all the objects of this treaty, as a Bolivian vessel.

ARTICLE 6

No higher or other duties shall be imposed on the importation into the United States of any articles, the produce or manufactures of the Republic of Bolivia, and no higher or other duties shall be imposed on the importation into the Republic of Bolivia of any articles, the produce or manufactures of the United States, than are or shall be payable on the like articles, being the produce or manufactures of any other country; nor shall any higher or other duties or charges be imposed, in either of the two countries, on the exportation of any articles to the United States or to the Republic of Bolivia, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibitions be imposed on the exportation or importation of any articles the produce or manufactures of the United States or of the Republic of Bolivia, to or from the territories of the United States, or to or from the territories of the Republic of Bolivia, which shall not equally extend to all other nations.

ARTICLE 7

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of either country, to manage, themselves,

their own business, in all the ports and places subject to the jurisdiction of the other, as well with respect to the consignment and sale of their goods and merchandise by wholesale or retail, as with respect to the loading, unloading, and sending off their ships; they being in all these cases to be treated as citizens of the country in which they reside, or, at least, to be placed on a footing with the citizens or subjects of the most favored nation.

ARTICLE 8

The Republic of Bolivia, desiring to increase the intercourse between the Pacific ports, by means of steam navigation, engages to accord to any citizen or citizens of the United States, who may establish a line of steam vessels, to navigate regularly between the different ports and bays of the coasts of the Bolivian territory, the same privileges of taking in and landing freight and cargo, entering the by-ports for the purpose of receiving and landing passengers and their baggage and money, carrying the public mails, establishing depots for coal, erecting the necessary machine and workshops for repairing and refitting the steam vessels, and all other favors enjoyed by any other association or company whatsoever of the same character. It is furthermore understood between the two high contracting parties, that the steam vessels of either shall not be subject in the ports of the other party to any duties of tonnage, harbor, or other similar duties whatsoever, than those that are or may be paid by any other association or company.

ARTICLE 9

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, ports, or dominions of the other with their vessels, whether merchant or of war, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity; giving to them all favor and protection for repairing their ships, and placing themselves in a situation to continue their voyage, without obstacles or hindrance of any kind. And the provisions of this article shall apply to privateers or private vessels of war, as well as public, until the two high contracting parties may relinquish the right of that mode of warfare, in consideration of the general relinquishment of the right of capture of private property upon the high seas.

ARTICLE 10

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, or shall suffer any damages, in the seas, rivers, or channels within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost, or contribution whatever.

ARTICLE 11

All the ships, merchandise, and the effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving, in due form, their rights before the competent tribunals; it being well understood, that the claim should be made within the term of one year, by the parties themselves, their attorneys, or agents of their respective Governments.

ARTICLE 12

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such duties only as the inhabitants of the country where such goods are, shall be subject to pay in like cases. And if in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance on account of their character of aliens, there shall be granted to them the longest period allowed by the law, to dispose of the same as they may think proper, and to withdraw the proceeds without molestation, nor any other charges than those which are imposed by the laws of the country.

ARTICLE 13

Both the contracting parties promise and engage, formally, to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice, for their judicial recourse, on the same terms which are usual and customary with the natives of the country; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents and factors, as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the accusations and sentences of the tribunals, in all cases which may concern them; and likewise at the taking of all examinations and evidence which may be exhibited on the said trials, in the manner established by the laws of the country. If the citizens of one of the contracting parties, in the territory of the other, engage in internal political questions, they shall be subject to

the same measures of punishment and precaution as the citizens of the country where they reside.

ARTICLE 14 ⁸

The citizens of the two contracting parties shall enjoy the full liberty of conscience in the countries subject to the jurisdiction of the one or the other, without being disturbed or molested on account of their religious opinions, provided they respect the laws and established customs of the country. And the bodies of the citizens of the one who may die in the territory of the other shall be interred in the public cemeteries, or in other decent places of burial, which shall be protected from all violation or insult, by the local authorities.

ARTICLE 15

It shall be lawful for the citizens of the United States of America, and the Republic of Bolivia, to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandises laden thereon, from any port, to the places of those who now are, or hereafter shall be, at enmity with either of the contracting parties. It shall, likewise, be lawful for the citizens aforesaid to sail with their ships and merchandises before mentioned, and to trade with the same liberty and security, not only from places and ports of those who are enemies of both, or either party, to the ports of the other, and to neutral places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of one power, or of several.

ARTICLE 16

The two high contracting parties recognise as permanent and immutable the following principles, to wit:

1st That free ships make free goods—that is to say, that the effects or goods belonging to subjects or citizens of a Power or State at war are free from capture or confiscation when found on board of neutral vessels, with the exception of articles contraband of war.

2^d That the property of neutrals on board an enemy's vessel is not subject to confiscation, unless the same be contraband of war.

The like neutrality shall be extended to persons who are on board a neutral ship, with this effect, that, although, they may be enemies to both, or either party, they are not to be taken out of that ship, unless they are officers or soldiers and in the actual service of the enemies. The contracting parties engage to apply these principles to the commerce and navigation of all such Powers and States as shall consent to adopt them as permanent and immutable.

⁸ See footnote 2, p. 721.

ARTICLE 17

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband of war; and under this name shall be comprehended:

1st Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuses, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds and grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2^d Bucklers helmets, breastplates, coats of mail, infantry-belts, and clothes made up in the form and for a military use.

3^d Cavalry-belts, and horses with their furniture.

4th And, generally, all kinds of arms offensive and defensive, and instruments of iron, steel, brass, and copper, or any other materials, manufactured, prepared, and formed expressly to make war by sea or land.

ARTICLE 18

All other merchandises and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner, by the citizens of both the contracting parties, even to places belonging to an enemy; excepting, only, those places which are, at that time, besieged or blockaded; and to avoid all doubt in this particular, it is declared, that those places or ports only are besieged or blockaded, which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

ARTICLE 19

The articles of contraband before enumerated and classified, which may be found in a vessel bound to an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great, or of so large a bulk, that they cannot be received on board the capturing ship without great inconvenience; but in this, as well as all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

ARTICLE 20

And whereas it frequently happens that vessels sail for a port or places belonging to an enemy without knowing that the same is besieged, blockaded, or invested, it is agreed, that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment, from any officer commanding a vessel of the blockading forces, they shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such port before the same was actually besieged, blockaded, or invested, by the other, be restrained from quitting such place with her cargo; nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ARTICLE 21

In order to prevent all kinds of disorder in the visiting and examination of the ships and cargoes of both the contracting parties, on the high seas, they mutually agree that, whenever a vessel of war shall meet with a neutral of the other contracting party, the first shall remain at a convenient distance, and may send its boats with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, for which the commanders of the said armed ships shall be responsible, with their persons and property; for which purpose the commanders of private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit; and it is expressly agreed, that the neutral party shall, in no case, be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatever.

ARTICLE 22

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they agree, that, in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters, or passports, expressing the name, property, and bulk of the ships, as also the name and place of habitation of the master and commander of said vessel, in order that it may thereby appear that said ship truly belongs to the citizens of one of the parties; they likewise agree, that such ships being laden, besides the said sea-letters or passports, shall also be provided with certificates, containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates

shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without such requisites, said vessels may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall prove to be owing to accident, and supplied by testimony entirely equivalent.

ARTICLE 23

It is further agreed, that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy, and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE 24

It is further agreed, that, in all cases, the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them; and whenever such tribunals, of either party, shall pronounce judgment against any vessel, or goods, or property, claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

ARTICLE 25

No citizen of the Republic of Bolivia shall take any commission, or letters of marque, for arming any ship or ships to act as privateers against the said United States or any of them, or against the citizens, people, or inhabitants of the said United States, or any of them, or against the property of any of the inhabitants of any of them, from any Prince or State with which the said United States shall be at war; nor shall any citizen or inhabitant of the United States, or any of them, take any commission, or letters of marque, for arming any ship or ships to act as privateers against the citizens of the Republic of Bolivia, or any of them, or the property of any of them, from any Prince or State with which the said Republic of Bolivia shall be at war; and if any person of either nation shall take such commissions, or letters of marque, he shall be punished according to their respective laws.

ARTICLE 26

In accordance with fixed principles of international law, Bolivia regards the rivers Amazon and La Plata, with their tributaries, as highways, or channels opened by nature for the commerce of all nations. In virtue of which,

and desirous of promoting an exchange of productions through these channels, she will permit and invites commercial vessels, of all descriptions, of the United States, and of all other nations of the world, to navigate freely in any part of their courses which pertain to her, ascending those rivers to Bolivian ports, and descending therefrom to the Ocean, subject only to the conditions established by this treaty, and to regulations sanctioned, or which may be sanctioned, by the national authorities of Bolivia not inconsistent with the stipulations thereof.

ARTICLE 27

The owners or commanders of vessels of the United States entering the Bolivian tributaries of the Amazon or La Plata shall have the right to put up or construct, in whole or in part, vessels adapted to shoal-river navigation, and to transfer their cargoes to them without the payment of additional duties: and they shall not pay duties of any description for sections or pieces of vessels, nor for the machinery or materials, which they may introduce for use in the construction of said vessels.

All places accessible to these, or other vessels of the United States, upon the said Bolivian tributaries of the Amazon or La Plata, shall be considered as ports open to foreign commerce, and subject to the provisions of this treaty, under such regulations as the Government may deem necessary to establish for the collection of custom-house, port, lighthouse, police, and pilot duties. And such vessels may discharge and receive freight or cargo, being effects of the country or foreign, at any one of said ports, notwithstanding the provisions of Article 3.

ARTICLE 28

If, by any fatality, which cannot be expected and which God forbid, the two contracting parties should be engaged in a war with each other, they agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts, and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business, and transport their effects, wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations, who may be established in the territories of the United States and the Republic of Bolivia, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ARTICLE 29

Neither the debts due from the individuals of one nation to the individuals of the other, nor shares, nor moneys which they may have in the public funds,

nor in public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

ARTICLE 30

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, agree, to grant to the envoys, ministers, and other public agents, the same favors, immunities, and exemptions, which those of the most favored nation do, or may enjoy; it being understood that whatever favors, immunities, or privileges, the United States of America or the Republic of Bolivia may find it proper to give to the ministers and other public agents of any other Power, shall, by the same act, be extended to those of each of the contracting parties.

ARTICLE 31

To make effectual the protection which the United States and the Republic of Bolivia shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit consuls and vice-consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities, of the consuls and vice-consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such consuls and vice-consuls may not seem convenient.

ARTICLE 32

In order that the consuls and vice-consuls of the two contracting parties may enjoy the rights, immunities, and prerogatives which belong to them by their public character, they shall, before entering upon their functions, exhibit their commission or patent in due form to the Government to which they are accredited, and, having obtained their *exequatur*, they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the consular district in which they reside.

ARTICLE 33

It is also agreed that the consuls, and officers and persons attached to the consulate, they not being citizens of the country in which the consul resides, shall be exempted from all kinds of imposts and contributions, except those which they shall be obliged to pay on account of their commerce or property, to which the citizens or inhabitants, native or foreign, of the country in which they reside are subject, being, in everything besides, subject to the laws of the respective States. The archives and papers of the consulates shall be respected inviolably, and, under no pretext whatever, shall any magistrate seize or in any way interfere with them.

ARTICLE 34⁹

The said consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country, and, for that purpose, they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing; proving by an exhibition of the registers of the vessels or ships roll, or other public documents, that those men were part of the said crews, and on this demand, so proved, (saving, however, when the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said consuls, and may be put in the public prisons, at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ARTICLE 35

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare especially the powers and immunities of the consuls and vice consuls of the respective parties.

ARTICLE 36

The United States of America and the Republic of Bolivia, desiring to make as durable as circumstances will permit the relations which are established between the two parties by virtue of this treaty of peace, amity, commerce and navigation, declare solemnly, and agree to the following points:

1st The present treaty shall remain in full force and virtue for the term of ten years, to be counted from the day of the exchange of the ratifications, and further, until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of ten years; and it is agreed between them that, on the expiration of one year after such notice shall have been received by either from the other party, this treaty, in all its parts relative to commerce and navigation, shall altogether cease and determine, and in all those parts which relate to peace and friendship, it shall be *perpetual and permanently* binding on both powers.

2^d If one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same, and harmony and good correspondence between the two nations shall

⁹ Abrogated by the United States July 1, 1916, in accordance with Seamen's Act of Mar. 4, 1915 (38 Stat. 1164).

not be interrupted thereby, each party engaging in no way to protect the offender, or sanction such violation.

3^d If, (what indeed cannot be expected) unfortunately, any of the articles contained in the present treaty shall be violated or infringed in any other mode whatever, it is expressly stipulated, that neither of the contracting parties will order or authorize any act of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall have first presented to the other a statement of such injuries or damages, verified by competent proofs, and demanded justice, and the same shall have been either refused or unreasonably delayed.

4th Nothing in this treaty shall, however, be construed or operate contrary to former and existing public treaties with other Sovereigns and States.

The present treaty of peace, amity, commerce, and navigation, shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Bolivia, with the approbation of the national Congress; and the ratifications shall be exchanged in the capital of the Republic of Bolivia within eight months, to be counted from the date of the ratification by both Governments.¹⁰

In faith whereof, we, the Plenipotentiaries of the United States of America and of the Republic of Bolivia, have signed and sealed these presents.

Done in La Paz, on the thirteenth (13th) day of May, in the year of our Lord one thousand eight hundred and fifty-eight. (A. D. 1858)

JOHN W. DANA	[SEAL]
LUCAS M. DE LA TAPIA	[SEAL]

¹⁰ See footnote 3, p. 721.